

Appl. No. 09/554,960
Amdt. dated December 20, 2005
Reply to Office Action of October 21, 2005


PATENT

REMARKS/ARGUMENTS

Applicants elect with traverse to prosecute the claims of Group 1 (claims 1-5, 13 and 14). This restriction is imposed for an alleged lack of a single general inventive concept under PCT Rule 13.1. The Examiner supports the restriction by citing WO 89/19936, which teaches a nucleic acid molecule that is allegedly 59% identical to SEQ ID NO: 3. Based on this, the Examiner asserts that the nucleic acid molecule taught in the '936 application would hybridize under stringent conditions to SEQ ID NO: 3. As explained in the specification at page 13, lines 19-27, stringent hybridization conditions are selected to identify nucleic acid molecules that are "substantially identical" to a given sequence. "Substantial identity" is defined on page 12, lines 19-20 to be at least 80% sequence identity. Thus, a nucleic acid molecule only 58% identical to SEQ ID NO: 3 would not be within the scope of the present invention. Withdrawal of the restriction is respectfully requested.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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